

Remarks/Arguments

Claims 1-15, 17, 19-22 and 26-29 are pending in the present application. Claims 1, 8 are presently amended. Claims 5, 6 and 12-15 were previously amended. Claims 16, 18, and 23-25 were previously canceled without prejudice. Claims 26-29 were previously added.

Claims 1-15, 17 and 19-22 and 26-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,478,990 (Montanari et al) in view of Systems Architecture, 2nd Edition (hereinafter "Burd") and U.S. Pat. No. 6,131,087 (Luke). This rejection is respectfully traversed for the following reasons.

Montanari relates to a method of tracking the production history of livestock and meat food products, derived therefrom, using barcodes. (Col. 9, lines 36-50.) In Montanari, "the present invention utilizes computers to scan labels produced during a production process to input information into a computer database for later retrieval and access." (Col. 6, lines 10-13.) "The present invention importantly provides a method of determining the **production history of a product** to identify the source of pathogens and to thereby facilitate the recall of products originating from particular distributors, fabrication plants, processing plants, feedlots, raisers, or individual animals." (Col. 17, lines 62-67, emphasis added in bold). The following information may be determined from testing for pathogens and residues on a portion of an animal: " **weight of the product after specific processing steps, microbacterial profile of said product, date and time of processing of said product, original and subsequent producers of said product, the organic and/or natural status of said product, genetic information, lean-to-fat ratio, medical history, and agent exposure information including chemical, additive, residue, hormone and radioactive agents.**" (Col. 20, lines 16-51, emphasis added in bold).

Burd discloses a computer system architecture for controlling access of one or more users to files, directories and entire secondary storage devices. (Burd at 576).

Luke discloses a market system for matching offer data with solicitation data to facilitate contract formation. (Abstract). A market participant's offer may specify "price, delivery dates, and product quantity as the dimensions necessary to define his demand." (Col. 6, lines 21-23.) Luke focuses on matching an offer range (e.g., a range of offer points) with a solicitation range (e.g., a range of solicitation points) to facilitate contract formation. (Col. 12, lines 3-29.) Although Luke discloses forming a "unique contract identification number" associated with a "Solicitation database," after the parties approve a contract (Col. 10, lines 60-63), Luke does not disclose retrieving "lab results" for a transaction by reference to a contract identifier reference. Further, nothing in Luke discloses the formation of an ingredient history of an ingredient of a product derived from the crop or agricultural item.

The alleged combination relies upon the selection of particular features and the contrived combination of those selected features from three references (as opposed to two references) with the benefit of hindsight in an attempt to meet the claimed invention. Montanari discloses a method for tracking livestock and food products associated therewith; Burd discloses computer system architecture for controlling access of one or more users to files, directories and entire secondary storage devices; and Luke discloses a market system for matching offer data with solicitation data to facilitate contract formation. Combining disparate features from the foregoing three references that are completely functional on their own, without any suggestion or motivation to combine them, suggests that the claimed invention is non-obvious, rather than obvious.

Even if it were possible to combine Montanari, Burd, and Luke, the alleged combination would not meet claim 1 and claim 8. The alleged combination lacks "an ingredient history on origins of a generally comprehensive list of ingredients in the product and grain ingredient performance data associated with the product derived from the crop," as recited in claims 1 and 8. Instead, the alleged combination merely discloses tracking "the production history of a product" as disclosed in Montanari (Col. 6, lines 10-13.). A production history of a product does not necessarily encompass "an ingredient history on origins of a generally comprehensive list of ingredients in the product." An "ingredient history" describes the respective origin or originator (e.g., seed company) of the list of ingredients that constitute the product, for example.

The tracking of the "animal of origin from which an animal byproduct is derived" as in Montanari (Col. 4, lines 53-55), provides information on only on an animal-based component of the by-product, rather than a generally comprehensive ingredient history, as set forth in claims 1 and 8. For example, a by-product may refer to an animal hide treated with a preservative ingredient (which is untracked in Montanari). In the event of a recall of a product, Montanari is generally limited to a identifying the animal of origin for a product, as opposed to a generally comprehensive list of ingredients of the product. (Col. 12, lines 42-51). Burd and Luke do not make up for the above deficiencies of Montanari in this regard.

Moreover, the alleged combination lacks the claimed "grain ingredient performance data" recited in claim 1 and claim 8. The claimed "grain ingredient performance data" may comprise seed performance data, flour performance data, a bake score, or other performance data related to a grain ingredient or precursor thereto. Although other possibilities fall within the scope of the claims, the grain ingredient performance data may be used by seed providers to evaluate the performance of grain seeds for various applications, for instance. Nothing in the alleged combination teaches or suggests the formation of grain ingredient performance data associated with the product derived from the crop, as recited in the claims 1 and 8.

Even if it were possible to combine Montanari, Burd, and Luke, the alleged combination would lack conducting a transaction where "lab results" related to the transaction are "retrievable by contract identifier reference." Claim 1 further recites examples of "lab results" as the following items: "protein content, deoxyribose nucleic acid (DNA) content, pesticide content, moisture content, foreign matter content, ash content, vitamin content, and mineral make-up."

For the foregoing reasons, Applicant respectfully requests allowance of claims 1 and 8. Because claims 2-7 and 26-29 depend upon claim 1, claims 2-7 and 26-29 are patentable for at least similar reasons to claim 1. Applicant respectfully requests withdrawal of the above rejection of claims 1-8 and 26-29.

With respect to claim 9, even if the file management system of Burd, the method for tracking contamination of food products of Montanari, and the market system of Luke could be combined, the alleged combination would not meet claim 9. Neither Burd, nor Montanari, nor Luke, alone or in combination, discloses the inventory management method set forth in claim 9.

Although the Examiner relies on Montanari in the Office Action to reject claim 9, Montanari only superficially discloses inventory monitoring. Moreover, none of the other cited references in the alleged combination compensate for the deficiencies of Montanari that are noted in the following paragraphs. Montanari merely references inventory management in the context of monitoring the number (i.e., inventory) of animals in each pasture (Col. 11, lines 26-29) or the number (i.e., inventory) of animals in a feedlot (Col. 12, lines 1-5.). In contrast to Montanari, claim 9 focuses on the inventory management of a grain ingredient, as opposed to the number of animals in a pasture or feedlot. In contrast to the alleged combination, claim 9 recites the inventory of a purchaser of a grain ingredient is controlled based on multiple factors such as the quantity of a grain ingredient and a inventory level of a product derived from the grain ingredient.

Claim 9 recites that the inventory of a purchaser of a grain ingredient is controlled based on two or more of the following: (1) quality of the grain ingredient, (2) quantity of the grain ingredient, and (3) inventory level of the product (or second item) derived from the grain ingredient. "Recorded ingredient inventory information" may comprise the quality of the grain ingredient and the quantity of the grain ingredient. The quality of the grain ingredient is associated with lab results for "protein content, deoxyribose nucleic acid (DNA) content, pesticide content, moisture content, foreign matter content, ash content, and mineral make-up". Consistent with claim 9, the inventory level of the grain ingredient may be minimized to track pending orders for the product (second item), as opposed to the grain ingredient (first item).

For the foregoing reasons, Applicant respectfully requests the withdrawal of the

above rejection of claim 9. Because claims 10-15, 17 and 19-22 depend upon claim 9, claims 10-15, 17 and 19-22 are patentable for at least similar reasons to claim 9.

Any amendments to the claims (or any revisions to claim language) that were not explicitly explained above were made to clarify the claims to advance comprehension of the claims by the Examiner and the public and not to overcome any cited prior art. Accordingly, the interpretation of such amendments (or revisions) that were not explicitly explained above shall be entitled to broad interpretations under the doctrine of equivalents in accordance with applicable case law.


In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested. If there are any issues that can be resolved via a telephone call, the Examiner is encouraged to call Applicant's representative.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.

Respectfully,

  
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